IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 22ND SEPTEMBER 2006 / 31ST BHADRA 1928

Bail Appl..No. 5537 of 2006

CRIME NO. 380/2006 OF KILIMANOOR POLICE STATION

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PETITONER/ACCUSED NOS.1 AND 2

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1. BABY, D/O.EEESWARI,
   RESIDING AT RAILWAY PURAMBOKU HOUSE,
   THENKASI, TAMIL NADU.

2. SELVI, D/O.LEKSHMI,
   RESIDING AT RAILWAY PURAMBOKU HOUSE,
   THENKASI, TAMIL NADU.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE, KILIMANOOR POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5537/2006

DATED THIS THE 22ND DAY OF SEPTEMBER, 2006

O R D E R

The petitioners, the two females, who are accused 1 and 2 in crime No.380/2006 of Kilimanoor Police Station, for the offence punishable under Section 24(1) of the Juvenile Justice (Care and Protection) Act, 2000, are before this Court for making use of the female child of the second petitioner, aged one and a half years, for begging on the road side and as they were found on 13.7.2006, by the Inspector of Kilimanoor Police Station, both of them were arrested on the same day. They are in judicial custody. Hence this application.

2. They came before this Court praying for bail filing B.A.No.5291/2006. As per the order dated 28.8.2006, this Court dismissed the application. However, in paragraph 3 of the said order, this Court had directed the Court below 'to immediately start with the trial, as two women of anther State are in judicial custody from 13.7.2006, along with child of one and a half years. The trial shall be expedited, case disposed of as early as

possible, in any case, within two months from the date of receipt of a copy of this order.' I had also directed the registry to send a copy of the above order, immediately to the trial Court.

3. This bail application is filed stating that the offence is bailable and therefore, the petitioners are entitled for bail.

4. However, considering the peculiar facts situation of the case, the status of the parties and also the conduct of both the petitioners together with the female child, I am not inclined to grant bail. I had therefore, directed the learned Public Prosecutor to report, after verifying with the Court below, the stage at which, the case is now posted.

5. Accordingly, the learned Public Prosecutor submitted that the entire procedure formalities are completed and the trial could be started at any time, on summoning the witnesses.

6. In the above facts situation, I direct the Court below to dispose of the matter, as early as possible in any case within one month from today. The learned Magistrate need not wait for one month, if it

could be disposed of even earlier to that date.

7. The counsel submits that as the offence being bailable, in case of any contingency in completing the trial, the prayer of the accused for bail, may be directed to be considered. As there is a specific direction for disposal of the matter, there is no need to grant bail to the petitioners during the stage of the trial. However, when the particulars of the offence alleged against the accused are explained to them and if they plead guilty, the Magistrate shall record the plea in the words of the accused, as nearly as possible, and if the Magistrate is satisfied that the duration of judicial detention already undergone by them, are sufficient period as sentence, he may consider that aspect as well, after hearing the learned Public Prosecutor and the learned counsel, defending the petitioners, during the trial.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs